IN THE CLAIMS:

The text of all pending claims, (including withdrawn claims) is set forth below. Cancelled and not entered claims are indicated with claim number and status only. The claims as listed below show added text with <u>underlining</u> and deleted text with ~~strikethrough~~. The status of each claim is indicated with one of (original), (currently amended), (cancelled), (withdrawn), (new), (previously presented), or (not entered).

Please AMEND and ADD new claim(s) as follows:

1-11.   (CANCELLED)

12.   (Currently Amended) A communication method of performing communications between a communication device and other communication device, the method comprising:

measuring <u>communication </u>performances of communication between <u>the communication device and </u>the other communication device <u>in each of a plurality of different communication modes, under a plurality of different communication conditions respectively;</u> ~~of different communication modes, under a plurality of different communication conditions respectively;~~

determining, as a threshold, a communication condition that ~~a ~~<u>the corresponding measured </u>communication performance of one of the communication modes exceeds a <u>measured </u>communication performance of other communication mode based on a result of the measurement; ~~and~~

selecting, <u>before performing actual communication between a particular other communication device, </u>~~depending on a communication condition, ~~a communication mode that the communication performance <u>under a communication condition of the actual communication </u>exceeds the communication performance of the other communication mode as an optimum communication mode ~~to communicate with the other communication device, ~~<u>by comparing the communication condition of the actual communication and the determined threshold; and</u>

<u>performing communication between a particular other communication device in the selected communication mode </u>~~based on the determination~~.

13.   (Previously Presented) The communication method according to claim 12, wherein the measuring of communication performances and the determining of the communication condition are performed for each communication device, when the

communication device communicates with a plurality of the other communication devices.

14.   (Previously Presented) The communicating method according to claim 12, wherein the communication condition is a size of data to be communicated with the other communication device.

15.   (Currently Amended) A communication device communicates with a plurality of other communication devices in a different communication modes, the communication device comprising:

a unit that measures performances of a communication between the other communication devices in a plurality of different communication modes, under a plurality of different communication data sizes respectively, for each of the other communication devices;

a unit that determines, for each of the other communication devices, a communication data size that a communication performance of a communication between the other communication device in a first communication mode exceeds a communication performance of communication in a second communication mode; and

a unit that selects, depending on a communication data size, a communication mode that a corresponding communication performance of an actual communication under a particular communication condition between a particular communication device exceeds a communication performance of the other communication mode to communicate with the other communication device.

16.   (Previously Presented) The communication device according to claim 15, further comprising:

a table that stores relationship between a communication data size and a communication mode to be selected, for each of the other communication devices, based on a result of the determination,

wherein the unit that selects the communication mode refers to the table to select a communication mode that is suitable for a certain communication data size.

17.   (Currently Amended) The communication device according to claim 15, further comprising:

a table that stores the determined communication data size as a threshold value, and a

communication mode to be selected <u>under a communication data size of an actual communication between the other communication device</u>,

    wherein the unit that selects the communication mode refers to the table and selects a communication mode by comparing a certain communication data size to the threshold value.

    18.   (Currently Amended) A computer readable medium storing a computer executable program implementing a method causing a computer to perform communications between other communication devices in a plurality of communication modes, the method comprising:

    measuring performances of communication between the other communication devices in <u>a plurality of </u>different communication modes[[,]] under a plurality of different communication conditions respectively, for each of the other communication devices;

    determining, for each of the other communication devices, a communication condition that a communication performance of <u>communication between the other communicating device in </u>one of the communication modes exceeds a communication performance of <u>communication in </u>the other communication mode, for each other of the other communication devices; and

    selecting a communication mode for <u>actually </u>communicating with <u>a particular</u> ~~the~~ other communication device, in which its communication performance <u>under a communication condition of the actual communication </u>exceeds a communication performance <u>communication in </u>of the other communication mode ~~in connection with a communication condition~~.

    19.   (Currently Amended) A method for optimizing communication condition of a communication between other communication device, the method comprising:

    communicating, on a communicating line, with the other communication device in both a first communication mode and in a second communication mode that is different from the first communication mode <u>respectively</u>, under a plurality of different communication conditions ~~respectively~~;

    measuring a communication performance in the first communication mode, and a communication performance in the second communication mode under each of the <u>different</u> communication conditions;

    determining<u>, based on the communication performances measured under each of the different communication conditions,</u> a communication condition in which a communication performance of the first communication mode exceeds a communication performance of the

second communication mode; and

selecting, among the first communication mode and the second communication mode, a communication mode <u>corresponding to a particular communication condition and a particular other communication device,</u> for <u>actually</u> communicating with the <u>particular</u> other communication device <u>under the particular communication condition,</u> that the communication performance exceeds that of the other communication mode, ~~corresponding to a communication condition~~.

20.   (Previously Presented) The method according to claim 19, wherein the communication condition is a size of data to be communicated with the other communication device.

21.   (Previously Presented) The method according to claim 19, further comprising:

storing the determined communication condition, as a threshold, for each of the other communication devices; and

referring to the stored threshold when selecting the communication mode to communicate with the other communication device.

22.   (Currently Amended) The method according to claim 19, further comprising:

storing a relationship between a communication condition and a communication mode to be applied for a communication with the other communication device;

wherein when selecting a communication mode, referring to the stored <u>relationship</u> ~~relation ship~~ and determining a communication mode that corresponding to a certain communication condition.

23.   (New) The communication method according to claim 12, wherein communication speeds of the communications between the other communication device under the different communication conditions is measured, and

the communication mode in which corresponding communication speed is faster than that of the other communication mode under the communication condition of the actual communication is selected as the optimum communication mode.